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**OVERVIEW**

Children and families with limited English proficiency must be effectively informed, notified of their rights and responsibilities, and given the opportunity to effectively participate in and benefit from programs, services, and activities. The supervising agency must remove language and cultural barriers to child welfare services as well as provide effective, equitable, understandable, and respectful quality care and services.

**RESPONSIBLE  
STAFF**

The obligation to provide interpreter or translation services for individuals with limited communication skills, including speaking, hearing, reading, or writing in a language or method understood by the involved parties is required across all child welfare program areas, for both MDHHS and private child placing agencies and child caring institutions.

Private child placing agencies contracted by MDHHS to supervise children who are placed with the department via court order are required to provide interpreter or translation services in the same manner as the department. MDHHS will reimburse the private child placing agency for interpreter services; see Reimbursement Procedures in this policy.

**DEFINITIONS****Bilingual**

The ability to use two languages with equal fluency; often this term is misused as you may be a native speaker of one language and only fluent or conversant in the second.

**Fluent**

The ability to speak the language easily and accurately, but may require more concentration to communicate thoughts, idioms, and slang; advanced reading and writing skills.

**Interpreter**

An individual fluent in a language other than commonly spoken English. This includes individuals fluent in manual sign language, as well as individuals fluent in a foreign language.

Per the Deaf Persons' Interpreter Act and the Qualified Interpreter-General Rules, interpreters must have certification through The Department of Licensing and Regulatory Affairs (LARA); see [SRM 401, Effective Communication for Persons who are Deaf, DeafBlind, and Hard of Hearing](#).

### **Limited English Proficiency (LEP)**

Persons with limited English proficiency are individuals who do not speak English as their primary language, and who have a limited ability to read, write, speak, or understand English. MDHHS and its contractors shall provide, at no cost, timely, accurate, and effective communication to persons with Limited English Proficiency.

### **Oral or written translation**

The verbal reading or writing of a document written in one language and translated into another language.

### **Telephone-based interpreting**

A form of remote interpreting that offers the delivery of interpreter services through telephone technology. The interpreter is at a different physical location than the consumer/service provided encounter. Telephone interpreting allows for an audio connection among the individual, MDHHS personnel, and interpreter. For the most effective communication among the parties, conduct telephone interpreting with auxiliary telephone equipment, such as a dual headset or speakerphone.

### **Videoconferencing interpreting**

A form of remote interpreting that offers the delivery of interpreter services through videoconferencing technology. In this format, the interpreter is not physically present where the consumer encounters the service provider. Videoconferencing units show a visual image of the consumer and provider to the interpreter and a visual image of the interpreter to the consumer and provider, along with an audio connection of their exchange.

## **POLICY**

The supervising agency is responsible for assessing the need for an interpreter and an individual's preferred language or method of communication by reviewing individual statements, family member statements, statements from other representatives, or case history, if available.

The supervising agency must inform individuals who may have LEP that the agency will arrange and pay for accommodations needed for effective communication at **all** interviews, meetings, hearings, home visits, legal procedures, when obtaining informed consent, or when requested by the client.

## PROCEDURE

### Supervising Agency Responsibilities

Caseworkers are required to complete the following steps when addressing a language barrier:

- Assess the need for interpreter or translator services.
- Invite individuals to identify themselves as persons needing language assistance.
- Inform individuals of their right to free interpreter or translation services.
- Provide individuals with written information of the right to receive services from competent interpreters or translators; see [DHS-Pub 259, American's With Disabilities Act: Knowing Your Rights](#) posted on the MDHHS internet/Inside MDHHS/Legal/Equal Opportunity.
- If the individual's primary language is determined to be other than English, indicate the language in the Demographic tab of the Person Profile in MiSACWIS so all staff and service providers can readily identify the individual's language assistance needs.
- Secure the requested accommodation for the date, time, and place where the service will be required.

### Choosing a Service

Individuals who need an interpreter may choose one of the following:

- Arrangements for an interpreter made by the supervising agency, including payment of any costs.

- Use of their own adult interpreter, upon review and approval by the supervising agency. Consideration must be given to any privacy/legal issues that may arise.

**Note:** Minor children may not be interpreters.

If an individual does not identify an interpreter, the supervising agency must select one of the options, in the following order of preference as available:

- A bilingual staff person.
- Face-to-face community agency interpreter or volunteer.
- Over-the-phone interpreter service. Use over-the-phone interpreter services as a last resort when face-to face interpretation is not available, or for an infrequently encountered language; see Over-the-Phone Interpreting in this item.

**Individuals with LEP cannot decline the use of an interpreter if they do not select their own.**

### Over-the-Phone Interpreting & Document Translation

When there is a need for over-the-phone interpretation or document translation services MDHHS employees can access information on this process from the [Bureau of Grants and Purchasing](#).

Private child placing agencies must have their MDHHS monitoring worker facilitate this process for them.

### In-Person Interpreters

The supervising agency may contact individual interpreters directly or use community agency staff or volunteers. Efforts to secure an interpreter must begin as soon as it becomes apparent one may be needed. Unreasonable delay in doing so may result in a legal finding of a failure to provide a required accommodation if the delay results in the unavailability of an interpreter.

## Reimbursement Procedures for In- Person Interpreters

### ***MDHHS Employee Process***

1. Confirm the interpreter is enrolled as a provider with the State of Michigan.
2. If the interpreter is not enrolled as a provider with the State of Michigan, the provider will need to register as a payee/vendor on [SIGMA Vendor Self Service \(VSS\)](#). For further assistance regarding SIGMA visit the VSS website or call 888-734-9749.
3. Obtain an invoice from the provider. The invoice must contain the following information:
  - Provider's federal identification number or SSN.
  - Number of billable units/hours.
  - Rate.
  - Customer name and address.
  - Total cost.

**Note:** The invoice or bill obtained from a vendor/provider may be original, faxed, copied, scanned, or emailed.

All requests for reimbursement must include a completed MDHHS-5602, Payment Voucher, and a copy of the provider's invoice indicating total cost. Submit the memo and MDHHS-5602 with the invoice, per the local business office process.

### ***Direct Human Service Contractors/Private Child Placing Agency Process***

Contractors are required to first pay the service provider and then submit a reimbursement request to the local office MDHHS monitoring caseworker for reimbursement to their agency.

The following supporting documentation must be included with the request for reimbursement:

1. An agency invoice on agency letterhead billing MDHHS for the amount indicated on the provider's invoice. The agency invoice must include:
  - Full name of the service provider.

- A description of the service provided.
  - Total cost.
2. Copy of the provider's invoice. The invoice must contain the following information:
    - Provider's federal identification number or SSN.
    - Number of billable units/hours.
    - Rate.
    - Customer name and address.
    - Total cost.
  3. Copy of the check issued to pay the service provider.

Contractors must submit their invoice and supporting documentation as soon as payment has been made to ensure prompt reimbursement. Incomplete or incorrect reimbursement requests will be returned for correction.

## RESOURCES

[Michigan Department of Health and Human Services \(MDHHS\)/Inside MDHHS/Legal/Equal Opportunity](#)

[MDHHS Limited English Proficiency Guidelines](#)

[MDHHS Bilingual Interpreter Services](#)

[Michigan Department of Civil Rights](#)

[Michigan Disability Resources/Complaint Process](#)

[Department of Homeland Security Office for Civil Rights and Civil Liberties; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons](#)

## LEGAL BASE Federal

Title IV, XIX and XX of the Social Security Act

42 CFR 2000d

45 CFR 80.3

**State**

The Social Welfare Act, 280 PA 1939, MCL 400.57g

**CONTACT**

Questions about this policy item may be emailed to the [Child Welfare Policy Mailbox](#).